

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

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Date of mailing
(day/month/year)

24 MAR 2009

Applicant's or agent's file reference
PA142450/PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/IB 07/53760

International filing date (day/month/year)

18 September 2007 (18.09.2007)

Priority date (day/month/year)

18 September 2006 (18.09.2006)

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - G06Q 50/00 (2009.01)
USPC - 705/3

Applicant DISCOVERY HOLDINGS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
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Facsimile No. 571-273-3201

Date of completion of this opinion

13 March 2009 (13.03.2009)

Authorized officer:

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
- ☐ filed together with the international application in electronic form
- ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4, 13	YES
	Claims	1-3, 5-12, 14, 15	NO
Inventive step (IS)	Claims	None	YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	None	NO

2. Citations and explanations:

Claims 1-3, 5-12, 14 and 15 lack novelty under PCT Article 33(2) as being anticipated by US 2005/0234742 A1 to Hodgdon (hereinafter 'Hodgdon').

As per claim 1, Hodgdon discloses a method of managing the wellness of an organisation, the method including: providing members of the organisation with access to a plurality of wellness related facilities and/or services (para [0024], [0072]); monitoring a plurality of wellness related criteria of the organisation (para [0027]); awarding the organisation with an award depending on the results of the monitoring of the plurality of wellness related criteria (para [0011], [0027]); and awarding members of the organisation with an award depending on the results of the monitoring of the plurality of wellness related criteria (para [0011], [0027], [0067]).

As per claim 2, Hodgdon discloses a method according to claim 1 wherein the plurality of wellness related facilities and/or services that the member is provided access to include at least one of: an infectious disease management programme (para [0057]); an emergency medical response while located at premises of the organisation; and a preventative care management programme (para [0111]).

As per claim 3, Hodgdon discloses a method according to claim 2 wherein the infectious disease management programme includes a human immunodeficiency virus (HIV) management programme which includes at least one of: advice on organising an HIV policy; assistance with legislative compliance; assistance in developing an HIV/AIDS committee; voluntary counseling and testing on site for members (para [0056]); medical advice and counselling (para [0111]); peer educator training; support and debriefing for peer educators; encourage enrolment of HIV positive members onto the HIV programme; and access to antiretroviral drugs (para [0040], [0045], [0047]).

As per claim 5, Hodgdon discloses a method according to claim 2 wherein the preventative care management programme includes medical check ups for members of the organisation (para [0095], [0111]).

As per claim 6, Hodgdon discloses a method according to claim 1 wherein the plurality of wellness related facilities and/or services that the member is provided access to also includes counselling (para [0111]).

As per claim 7, Hodgdon discloses a method according to claim 6 wherein the counselling takes the form of telephonic or face-to-face counselling (para [0111]).

As per claim 8, Hodgdon discloses a method according to claim 1 wherein the plurality of wellness related facilities and/or services that the member is provided access to includes life management skills including legal advice, financial advice and social services assistance (para [0074]-Employee Assistance Program (EAP), [0095]).

As per claim 9, Hodgdon discloses a method according to claim 1 wherein the plurality of wellness related criteria include at least one of: medical claims information pertaining to members of the organisation (para [0106]); absenteeism information pertaining to absenteeism of members of the organisation from the business of the organisation (para [0106]); and occupational wellness information pertaining to the occupational wellness of members of the organisation (para [0106]).

As per claim 10, Hodgdon discloses an electronic system for managing the wellness of an organisation, the system including: a monitoring module to monitor a plurality of wellness related criteria of the organisation (para [0022], [0027]); an awards module to calculate an award for the organisation depending on the results of the monitoring of the plurality of wellness related criteria and to calculate an award for the members of the organisation depending on the results of the monitoring of the plurality of wellness related criteria (para [0011], [0022], [0027], [0067]); and a database for storing data relating to the use of the plurality of wellness related criteria of the organisation and for storing data relating to the awards for the organisation and the member (para [0077], [0078]).

As per claim 11, Hodgdon discloses an electronic system according to claim 10 wherein the plurality of wellness related facilities and/or services that are monitored by the monitoring module include at least one of: an infectious disease management programme (para [0057]); an emergency medical response while located at premises of the organisation; and a preventative care management programme (para [0111]).

--Please See Continuation Sheet--

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box V. 2. Citations and explanations:

As per claim 12, Hodgdon discloses an electronic system according to claim 11 wherein the infectious disease management programme monitored by the monitoring module includes a human immunodeficiency virus (HIV) management programme which includes at least one of: advice on organising an HIV policy; assistance with legislative compliance; assistance in developing an HIV/AIDS committee; voluntary counselling and testing on site for members (para [0056]); medical advice and counselling (para [0111]); peer educator training; support and debriefing for peer educators; encourage enrolment of HIV positive members onto the HIV programme; and access to antiretroviral drugs (para [0040], [0045], [0047]).

As per claim 14, Hodgdon discloses an electronic system according to claim 11 wherein the preventative care management programme monitored by the monitoring module includes medical check ups for members of the organisation (para [0095], [0111]).

As per claim 15, Hodgdon discloses an electronic system according to claim 10 wherein the plurality of wellness related criteria that are monitored by the monitoring module include at least one of: medical claims information pertaining to members of the organisation (para [0106]); absenteeism information pertaining to absenteeism of members of the organisation from the business of the organisation (para [0106]); and occupational wellness information pertaining to the occupational wellness of members of the organisation (para [0106]).

Claims 4 and 13 lack an inventive step under PCT Article 33(3) as being obvious over Hodgdon in view of US 2002/0049617 A1 to Lencki et al. (hereinafter 'Lencki').

As per claim 4, Hodgdon discloses a method according to claim 2 with plurality of wellness related facilities and/or services (para [0057], [0111]). Hodgdon does not explicitly disclose the wellness services are emergency medical response includes a response by emergency medical services. However, Lencki does disclose a method of providing benefits to an individual such as an employee includes emergency care (para [0009]). It would have been obvious to one of ordinary skill in the art to combine Lencki's method of providing emergency care benefits to an employee to Hodgdon's method of providing wellness services because adding the emergency service would fulfill the goal of having a comprehensive wellness plan to benefit both employers and employees.

As per claim 13, Hodgdon discloses an electronic system according to claim 11 with plurality of wellness related facilities and/or services (para [0057], [0111]). Hodgdon does not explicitly disclose the wellness services are emergency medical response includes a response by emergency medical services. However, Lencki does disclose a method of providing benefits to an individual such as an employee includes emergency care (para [0009]). It would have been obvious to one of ordinary skill in the art to combine Lencki's method of providing emergency care benefits to an employee to Hodgdon's method of providing wellness services because adding the emergency service would fulfill the goal of having a comprehensive wellness plan to benefit both employers and employees.

Claims 1-15 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.